

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re: VICTOR MANUEL RIBAS,)	
)	
Plaintiff,)	Case No. 4:24-cv-00632
)	
v.)	
)	JURY TRIAL DEMANDED
MEGAN BESLER,)	
)	
Defendant.)	

DEFENDANT’S NOTICE OF REMOVAL

COMES NOW Defendant Megan Besler (hereinafter “Defendant” or “Besler”), by and through her undersigned counsel, and for her Notice of Removal hereby states the following:

BACKGROUND & BASIS FOR REMOVAL

1. On April 4, 2024, Plaintiff filed a Petition in the Circuit Court of St. Louis City, Missouri, against Defendant. That case is captioned *In re: Victor Manuel Ribas v. Megan Besler*, Case No. 2422-CC00585. A true and accurate copy of Plaintiff’s Petition is attached hereto as Exhibit A.

2. The basis for the present removal of this action is that, upon information and belief and upon Plaintiff’s allegations, there is diversity of citizenship and the amount in controversy, exclusive of interest and costs, exceeds \$75,000.

3. Plaintiff alleges he is a citizen and resident of the State of Missouri. Ex. A, ¶ 1.

4. Plaintiff alleges Defendant is a citizen and resident of the State of Iowa. Ex. A, ¶ 2.

5. Plaintiff also alleges that his damages (i.e. the amount in controversy) are over one-hundred and fifty thousand dollars (\$150,000.00). Ex. A, Count I’s *Request for Relief*, p. 5.

6. Defendant Besler was served on or around April 11, 2024. Though no return of

service has been filed in the Circuit Court, summons was issued on April 5, 2024, and Defendant was served thereafter. The Summons is attached hereto as Exhibit B.

VENUE

7. Removal to this Court is appropriate because the state court action is pending in the Circuit Court of St. Louis City, Missouri, which is located in the Eastern District, Eastern Division's jurisdiction. *See* Local Rule 2.07(A)(1) ("The Eastern Division comprises the counties of... the City of Saint Louis").

TIMELINESS OF REMOVAL

8. This Notice of Removal is timely filed, because it is filed within the 30-day period prescribed by 28 U.S.C. § 1446(b) ("The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading"). Specifically, Defendant was served on or around April 11, 2024, and she has now removed the matter within thirty days.

REMOVAL JURISDICTION

9. This Court has diversity jurisdiction over this case pursuant to 28 U.S.C. § 1332, which requires the parties to the controversy to be citizens of different states and the amount in controversy to exceed seventy-five thousand dollars. *See* 28 U.S.C. § 1332(a)(1); 28 U.S.C. § 1441.

10. As alleged, Plaintiff is a citizen and resident of the State of Missouri. Ex. A, ¶ 1.

11. As alleged, Defendant is a citizen and resident of the State of Iowa and *not* a citizen of the State of Missouri. Ex. A, ¶ 2.

12. Therefore, there is complete diversity of citizenship between the parties.

13. Moreover, there is no home-state defendant. Defendant Besler is the sole defendant

in this matter.

14. Plaintiff also alleges damages in excess of one-hundred and fifty thousand dollars (\$150,000.00). Ex. A, ¶ Count I's *Request for Relief*, p. 5. Based on the allegations in Plaintiff's Petition (but without making any admission as to the merits thereof), the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00).

15. Because the diversity requirements of Section 1332(a)(1) are met, and the amount in controversy exceeds \$75,000.00, this action is removable under Section 1441(a).

**NOTICE PROVIDED TO PLAINTIFF
AND THE STATE COURT**

16. Contemporaneous herewith, Defendant gives Plaintiff written notice of the filing of this Notice of Removal.

17. Pursuant to Local Rule 2.03, Defendant files herewith a copy of all process, pleadings, orders, and other documents on file in Case No. 2422-CC00585 in the Circuit Court of St. Louis City, Missouri, including a copy of the docket sheet. A true and accurate copy of same is attached hereto as Exhibit C. Defendant is unaware of the existence of any additional process, pleadings, or orders other than those included in the exhibits attached hereto.

18. Pursuant to 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, Defendant will give written notice thereof to Plaintiff and will file a copy of such notice with the Clerk of the Circuit Court for the City of St. Louis, Missouri.

19. In sum, in compliance with the applicable rules and the Court's Removal Case Checklist, Defendant has paid the prescribed fee for a new action; filed an original notice of removal; filed or will shortly file a notice to Plaintiff; filed a copy of all process, pleadings, orders,

and other documents¹ on file in St. Louis City; filed a Civil Cover Sheet, Original Filing Form, and Disclosure Statement; and within three business days will file a proof of filing the notice of removal with the Clerk of Court for St. Louis City, Missouri. *See* 28 U.S.C. § 1446; Local Rules 2.02, 2.03.

20. All requirements and conditions precedent for removal to the Eastern District of Missouri have been met.

WHEREFORE, Defendant Megan Besler hereby removes this case from the Circuit Court of St. Louis City, State of Missouri, to this Court and respectfully requests this Court exercise jurisdiction over this matter.

Dated: May 6, 2024

Respectfully submitted,

KEANE LAW LLC

By: /s/ Ryan A. Keane
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Attorneys for Defendant

¹ There are no pending motions to identify or attach.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 6, 2024, a true and correct copy of the foregoing was served by filing it in the court's electronic filing system, which will provide electronic notice and a copy of the filing to all parties and attorneys of record.

The foregoing was also served upon Plaintiff's counsel by email at mhoekel@gmail.com.

/s/ Ryan A. Keane